

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS\_\_\_\_\_  
DAVID GREENE,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF  
NEW YORK and ALL SAINTS SCHOOL,Defendants.  
\_\_\_\_\_

X

X

Date Index No. Purchased:

Index No.:

Plaintiff designates Kings  
County as the place of trial.The basis of venue is plaintiff's  
residence.**SUMMONS**Plaintiff resides in Kings  
County

The Above Named Defendants:

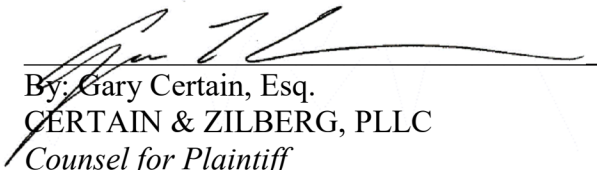
**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
August 14, 2019

Yours, etc.,

By: Adam P. Slater, Esq.  
SLATER SLATER SCHULMAN LLP  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 922-0906

-and-

  
By: Gary Certain, Esq.  
CERTAIN & ZILBERG, PLLC  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 687-7800

TO:

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK  
1011 1<sup>st</sup> Avenue  
New York, New York 10022

ALL SAINTS SCHOOL  
52 East 130<sup>th</sup> Street  
New York, New York 10037

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

\_\_\_\_\_X

DAVID GREENE,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF  
NEW YORK and ALL SAINTS SCHOOL,

Defendant(s).

\_\_\_\_\_X

Date Filed:

Index No.:

**VERIFIED COMPLAINT**

JURY TRIAL DEMANDED

Plaintiff, DAVID GREENE (“Plaintiff”), by his attorneys Slater Slater Schulman LLP and Certain & Zilberg, PLLC, brings this action against the ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK (“Archdiocese”) and ALL SAINTS SCHOOL (“School”) and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

**JURISDICTION AND VENUE**

1. This action is brought pursuant to the Children Victims Act (“CVA”) (L. 2019 c. 11). *See* CPLR §§ 30.10; 208(b); 214-g.
2. This Court has personal jurisdiction over the Archdiocese pursuant to CPLR §§ 301 and 302, in that the Archdiocese either resides in New York or conducts or, at relevant times, conducted activities in New York that give rise to the claims asserted herein.
3. This Court has personal jurisdiction over the School pursuant to CPLR §§ 301 and 302, in that the School either resides in New York or conducts or, at relevant times, conducted activities in New York that give rise to the claims asserted herein.

4. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

5. Venue for this action is proper in the County of Kings pursuant to CPLR § 503 in that Plaintiff resides in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred here.

### **PARTIES**

6. Plaintiff is an individual residing in Kings County, New York. Plaintiff was an infant at the time of the sexual abuse alleged herein.

7. At all times material to the Verified Complaint, Archdiocese was and continues to be a non-profit religious corporation, organized exclusively for charitable, religious, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

8. At all times material to the Verified Complaint, Archdiocese was and remains authorized to conduct business under the laws of the State of New York.

9. At all times material to the Verified Complaint, Archdiocese's principal place of business is 1011 1<sup>st</sup> Avenue, New York, New York 10022.

10. The Archdiocese oversees a variety of liturgical, sacramental, and faith formation programs.

11. The Archdiocese has various programs that seek out the participation of children in its activities.

12. The Archdiocese, through its agents, servants, and/or employees has control over those activities involving children.

13. The Archdiocese has the power to employ individuals working with and/or alongside children within Defendant Archdiocese, including but not limited to those at the School.

14. At all times material to the Verified Complaint, the School was a religious educational institution affiliated with, associated with, or operating under the control of the Archdiocese.

15. At all times material to the Verified Complaint, the School was licensed to conduct business as a school in the State of New York and the City of New York.

16. At all times material to the Verified Complaint, the School maintained its principal place of business at 52 East 130<sup>th</sup> Street, New York, New York 10037.

17. At all times material to the Verified Complaint, Father Curry was an agent, servant, and/or employee of the School.

18. At all times material to the Verified Complaint Father Curry was an agent, servant, and/or employee of the Archdiocese.

19. At all times material to the Verified Complaint, while an agent, servant and/or employee of the School, Father Curry remained under the control and supervision of the Archdiocese.

20. At all times material to the Verified Complaint, while an agent, servant and/or employee of the School, Father Curry remained under the control and supervision of the School.

21. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Archdiocese, Father Curry remained under the control and supervision of the Archdiocese.

22. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Archdiocese, Father Curry remained under the control and supervision of the School.

23. The School placed Father Curry in positions where he had immediate access to children.

24. The Archdiocese placed Father Curry in positions where he had immediate access to children.

**THE CATHOLIC CHURCH'S LONG HISTORY  
OF COVERING UP CHILD SEXUAL ABUSE**

25. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops throughout the world including the Bishop of the Archdiocese. The instruction was binding upon the Bishop of the Archdiocese. The instruction directed that allegations and reports of sexual abuse of children by priests were required to be kept secret and not disclosed either to civil authorities such as law enforcement, to co-employees or supervisors of parish priests, or to parishioners generally.

26. Canon law requires Bishops to keep *subsecreto* files also known as confidential files. These files are not to be made public.

27. Because of problems of sexual misconduct of Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests that had been involved in sexual misconduct, including centers in Albuquerque, New Mexico, Suitland, Maryland, Downingtown Pennsylvania, and Ontario, Canada.

28. Sexual abuse of clerics by Catholic clergy has been a reality in the Catholic Church for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official policies of the Catholic Church which are applicable to all Archdioceses and in fact are part of the practices of each Archdiocese, including the Archdiocese. Sexual abuse of minors by Catholic clergy and religious leaders became publicly known in the mid 1980's as a result of media coverage of a case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of

clergy sexual abuse throughout the United States. In spite of these revelations as well as the many criminal and civil litigations the Church has been involved in as a result of clergy sexual abuse of minors, the bishops and other Church leaders continued to pursue a policy of secrecy.

29. All of the procedures required in the so-called “Dallas Charter” to purportedly protect children have been previously mandated in the Code of Canon Law but were consistently ignored by Catholic bishops. In place of the required processes, which would have kept a written record of cases of clergy sexual abuse, the bishops applied a policy of clandestine transfer of accused priests from one local or diocesan assignment to another or from one Archdiocese to another. The receiving parishioners and often the receiving pastors were not informed of any accusations of sexual abuse of minors.

30. The truth concerning the extent of the frequency of sexual abuse at the hands of Catholic priests and Catholic Church’s pervasive campaign to cover up such crimes continues to be revealed. In 2018, the State of Pennsylvania released a grand jury report releasing the name of over 300 “predator priests” in Pennsylvania alone who committed acts of sexual abuse on more than a thousand children, while also noting that there were “likely thousands more victims whose records were lost or who were too afraid to come forward.” The report’s opening remarks bear repeating here:

We, the members of this grand jury, need you to hear this. We know some of you have heard some of it before. There have been other reports about child sex abuse within the Catholic Church. But never on this scale. For many of us, those earlier stories happened someplace else, someplace away. Now we know the truth: it happened everywhere.

...

Most of the victims were boys; but there were girls too. Some were teens; many were prepubescent. Some were manipulated with alcohol or pornography. Some were made to masturbate their assailants or were groped by them. Some were raped orally, some vaginally, some anally. But all of them were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all.

31. The 2018 grand jury report found numerous, pervasive strategies employed by the Catholic Church which the report referred to collectively as a “playbook for concealing the truth.”

These measures include but are not limited to the following:

- Make sure to use euphemisms rather than real words to describe the sexual assaults in Archdiocese documents. Never say “rape”; say “inappropriate contact” or “boundary issues.”
- Don’t conduct genuine investigations with properly trained personnel. Instead, assign fellow clergy members to ask inadequate questions and then make credibility determinations about the colleagues with whom they live and work.
- For an appearance of integrity, send priests for “evaluation” at church-run psychiatric treatment centers. Allow these experts to “diagnose” whether the priest was a pedophile, based largely on the priest’s “self-reports” and regardless of whether the priest had actually engaged in sexual contact with a child.
- When a priest does have to be removed, don’t say why. Tell his parishioners that he is on “sick leave,” or suffering from “nervous exhaustion.” Or say nothing at all.
- Even if a priest is raping children, keep providing him housing and living expenses, although he may be using these resources to facilitate more sexual assaults.
- If a predator’s conduct becomes known to the community, don’t remove him from the priesthood to ensure that no more children will be victimized. Instead, transfer him to a new location where no one will know he is a child abuser.
- Finally, and above all, don’t tell the police. Child sexual abuse, even short of actual penetration, is and has for all relevant times been a crime. But don’t treat it that way; handle it like a personnel matter, “in house.”

32. Refusal to disclose sexually abusing clerics to parishioners and even fellow clerics has been one way utilized by Defendant to maintain secrecy. Another has been to use various forms of persuasion on victims or their families to convince them to remain silent about incidents of abuse. These forms of persuasion have included methods that have ranged from sympathetic



attempts to gain silence to direct intimidation to various kinds of threats. In so doing the clergy involved, from bishops to priests, have relied on their power to overwhelm victims and their families.

33. The sexual abuse of children and the Catholic Church's abhorrent culture of concealing these crimes are at the heart of the allegations complained of herein.

34. The Child Victims Act was enacted for the explicit purpose of providing survivors of child sexual abuse with the recourse to bring a private right of action against the sexual predators who abused them and the institutions that concealed their crimes.

### **FACTS**

35. Plaintiff was raised in a devout Roman Catholic family and, in or around 1968 when Plaintiff was seven (7) years old, Plaintiff began attending the School, a school within and under the auspices of the Archdiocese.

36. At all relevant times, Plaintiff participated in youth, educational, and/or religious activities at the School.

37. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on the School and Father Curry.

38. During and through these activities, the School had custody of Plaintiff and accepted the entrustment of Plaintiff.

39. During and through these activities, the School had responsibility of Plaintiff and authority over him.

40. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on the Archdiocese and Father Curry.

41. During and through these activities, the Archdiocese had custody of Plaintiff and accepted the entrustment of Plaintiff.

42. During and through these activities, the Archdiocese had responsibility of Plaintiff and authority over him.

43. Through his positions at, within, or for the School, Father Curry was put in direct contact with Plaintiff, a member of the School. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Father Curry, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

44. Through his positions at, within, or for the Archdiocese, Father Curry was put in direct contact with Plaintiff, a student of the School. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Father Curry, who used his position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

45. On numerous occasions, while Plaintiff was a minor, Father Curry while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent, servant and/or volunteer of the School, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

46. On numerous occasions, while Plaintiff was a minor, Father Curry, while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent, servant and/or volunteer of the Archdiocese, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

47. The abuse occurred from approximately in or about 1968 to 1969.

48. Plaintiff's relationship to the School, as a vulnerable minor, student, parishioner and participant in school activities, was one in which Plaintiff was subject to the School's ongoing

influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Father Curry's sexual abuse of him.

49. Plaintiff's relationship to the Archdiocese, as a vulnerable minor, student, parishioner and participant in Church activities, was one in which Plaintiff was subject to the Archdiocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Father Curry's sexual abuse of him.

50. At no time did the Archdiocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to the School to advise the students or its parents, either verbally or through a school bulletin, that there were credible allegations against Father Curry and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Archdiocese remained silent.

51. At all times material hereto, Father Curry was under the direct supervision, employ and/or control of the School.

52. At all times material hereto, Father Curry was under the direct supervision, employ and/or control of the Archdiocese.

53. The School knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Father Curry, who sexually abused Plaintiff.

54. The Archdiocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Father Curry, who sexually abused Plaintiff.

55. The School negligently or recklessly believed that Father Curry was fit to work with children and/or that any previous problems he had were fixed and cured; that Father Curry would not sexually molest children; and that Father Curry would not injure children.

56. The Archdiocese negligently or recklessly believed that Father Curry was fit to work with children and/or that any previous problems he had were fixed and cured; that Father Curry would not sexually molest children; and that Father Curry would not injure children.

57. The School had the responsibility to supervise and/or direct priests and other school educators and personnel serving at the School and specifically had a duty not to aid a pedophile such as Father Curry by assigning, maintaining and/or appointing him to a position with access to minors.

58. The Archdiocese had the responsibility to supervise and/or direct priests and other school educators and personnel serving at the School and specifically had a duty not to aid a pedophile such as Father Curry by assigning, maintaining and/or appointing him to a position with access to minors.

59. By holding Father Curry out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the School entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor and by the School undertaking the care and guidance of the vulnerable minor Plaintiff, the School held a position of empowerment over Plaintiff.

60. By holding Father Curry out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the Archdiocese entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the

Archdiocese undertaking the care and guidance of the vulnerable minor Plaintiff, the Archdiocese held a position of empowerment over Plaintiff.

61. The School, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. The School thus entered into a fiduciary relationship with Plaintiff.

62. The Archdiocese, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. The Archdiocese thus entered into a fiduciary relationship with Plaintiff.

63. The School had a special relationship with Plaintiff.

64. The Archdiocese had a special relationship with Plaintiff.

65. Father Curry owed Plaintiff a duty of reasonable care because the School had superior knowledge about the risk that Father Curry posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

66. The Archdiocese owed Plaintiff a duty of reasonable care because the Archdiocese had superior knowledge about the risk that Father Curry posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

67. The School owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Father Curry out as safe to work with children; encouraged parents and children to spend time with its agents; and/or

encouraged its agents, including Father Curry, to spend time with, interact with, and recruit children.

68. The Archdiocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Father Curry out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Father Curry, to spend time with, interact with, and recruit children.

69. The School owed Plaintiff a duty to protect Plaintiff from harm because the School's actions created a foreseeable risk of harm to Plaintiff.

70. The Archdiocese owed Plaintiff a duty to protect Plaintiff from harm because the Archdiocese's actions created a foreseeable risk of harm to Plaintiff.

71. The School's breach of its duties include but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the School, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by

fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

72. The Archdiocese's breach of its duties include but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the Archdiocese, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

73. The School also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Father Curry posed and the risks of child sexual abuse by clerics and other church and school personnel.

74. The School also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

75. The Archdiocese also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Father Curry posed and the risks of child sexual abuse by clerics and other church and school personnel.

76. The Archdiocese also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

77. The School also violated a legal duty by failing to report known and/or suspected abuse of children by Father Curry and/or its other agents to the police and law enforcement.

78. The Archdiocese also violated a legal duty by failing to report known and/or suspected abuse of children by Father Curry and/or its other agents to the police and law enforcement.

79. By employing Father Curry at the School and other facilities within the Archdiocese, the Archdiocese, through its agents, affirmatively represented to minor children and its families that Father Curry did not pose a threat to children, did not have a history of molesting children, that the Archdiocese did not know that Father Curry had a history of molesting children, and that the Archdiocese did not know that Father Curry was a danger to children.

80. By employing Father Curry at the School, the School through its agents, affirmatively represented to minor children and its families that Father Curry did not pose a threat to children, did not have a history of molesting children, that the School did not know that Father Curry had a history of molesting children, and that the School did not know that Father Curry was a danger to children.

81. The School induced Plaintiff and Plaintiff's family to rely on these affirmations and did rely on them.

82. The Archdiocese has never publicly admitted the veracity of the allegations against Father Curry, warned the public and/or conducted outreach to potential victims of his sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Archdiocese for decades and



continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive teachers and clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

83. By allowing Father Curry to remain in active ministry, the Archdiocese, through its agents, has made and continues to make affirmative representations to minor children and its families, including Plaintiff and Plaintiff's family, that Father Curry does not pose a threat to children, does not have a history of molesting children, that the Archdiocese does not know that Father Curry has a history of molesting children and that the Archdiocese does not know that Father Curry is a danger to children.

84. The Archdiocese induced Plaintiff and Plaintiff's family to rely on these affirmations and they did rely on them.

85. By allowing Father Curry to remain in active ministry, the School, through its agents, has made and continues to make affirmative representations to minor children and its families, including Plaintiff and Plaintiff's family, that Father Curry does not pose a threat to children, does not have a history of molesting children, that the School does not know that Father Curry has a history of molesting children and that the School does not know that Father Curry is a danger to children.

86. As a result of Defendants' conduct described herein, Plaintiff has and will continue to suffer personal physical and psychological injuries, including but not limited to great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, problems sleeping, concentrating, low self-confidence, low self-respect, low self-esteem, feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, losing

faith in God, losing faith in authority figures, feeling estranged from the church, struggling with alcohol and substance problems, struggling with gainful employment and career advancement, feeling helpless, and hopeless, problems with sexual intimacy, relationship problems, trust issues, feeling confused and angry, depression, anxiety, feeling dirty, used, and damaged, suicidal ideations, having traumatic flashbacks, feeling that his/her childhood and innocence was stolen, and feeling that his life was ruined. Plaintiff was prevented and will continue to be prevented from performing Plaintiff's normal daily activities; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Defendants' misconduct, Plaintiff is unable at this time to fully describe all the details of that abuse and the extent of the harm Plaintiff suffered as a result.

87. The School violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

88. The Archdiocese violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

89. The injuries and damages suffered by Plaintiff are specific in kind to Plaintiff special, peculiar, and above and beyond those injuries and damages suffered by the public.

**FIRST CAUSE OF ACTION: NEGLIGENCE**

90. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

91. The School knew or was negligent in not knowing that Father Curry posed a threat of sexual abuse to children.

92. The Archdiocese knew or was negligent in not knowing that Father Curry posed a threat of sexual abuse to children.

93. The acts of Father Curry described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the School.

94. The acts of Father Curry described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Archdiocese.

95. The School owed Plaintiff a duty to protect Plaintiff from Father Curry's sexual deviancy, both prior to and/or subsequent to Father Curry's misconduct.

96. The Archdiocese owed Plaintiff a duty to protect Plaintiff from Father Curry's sexual deviancy, both prior to and/or subsequent to Father Curry's misconduct.

97. The School's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

98. The Archdiocese's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

99. At all times material hereto, with regard to the allegations contained herein, Father Curry was under the direct supervision, employ and/or control of the School.

100. At all times material hereto, with regard to the allegations contained herein, Father Curry was under the direct supervision, employ and/or control of the Archdiocese.

101. At all times material hereto, the School's actions were willful, wanton, malicious, reckless, and outrageous in its disregard for the rights and safety of Plaintiff.

102. At all times material hereto, the Archdiocese's actions were willful, wanton, malicious, reckless, and outrageous in its disregard for the rights and safety of Plaintiff

103. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

104. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**SECOND CAUSE OF ACTION: NEGLIGENT HIRING, RETENTION, SUPERVISION,  
AND/OR DIRECTION**

105. Plaintiff repeats and realleges by reference each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

106. The School hired Father Curry.

107. The Archdiocese hired Father Curry

108. The School hired Father Curry for a position that required him to work closely with, mentor, and counsel young boys and girls.

109. Archdiocese hired Father Curry for a position that required him to work closely with, mentor, and counsel young boys and girls.

110. The School was negligent in hiring Father Curry because it knew or should have known, through the exercise of reasonable care of Father Curry's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

111. The Archdiocese was negligent in hiring Father Curry because it knew or should have known, through the exercise of reasonable care of Father Curry's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

112. Father Curry would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by the School to teach, mentor and counsel children in the School.

113. Father Curry continued to molest Plaintiff while at the School.

114. Father Curry would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Archdiocese to teach, mentor and counsel children in the School.

115. Father Curry continued to molest plaintiff while at the School.

116. The harm complained of herein was foreseeable.

117. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of the School in having placed Father Curry, and/or allowed Father Curry to remain in his position.

118. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of the Archdiocese in having placed Father Curry, and/or allowed Father Curry to remain in his position.

119. At all times while Father Curry was employed or appointed by the School, he was supervised by the School and/or its agents and employees.

120. At all times while Father Curry was employed or appointed by the School, he was under the direction of, and/or answerable to, the School and/or its agents and employees.

121. At all times while Father Curry was employed or appointed by the Archdiocese, he was supervised by the Archdiocese and/or its agents and employees.

122. At all times while Father Curry was employed or appointed by the Archdiocese, he was under the direction of, and/or answerable to, the Archdiocese and/or its agents and employees.

123. The School was negligent in its direction and/or supervision of Father Curry in that it knew or should have known, through the exercise of ordinary care that Father Curry's conduct would subject third parties to an unreasonable risk of harm, including Father Curry's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

124. The School failed to take steps to prevent such conduct from occurring.

125. The Archdiocese was negligent in its direction and / or supervision of Father Curry in that it knew or should have known, through the exercise of ordinary care, that Father Curry's conduct would subject third parties to an unreasonable risk of harm, including Father Curry's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

126. The Archdiocese failed to take steps to prevent such conduct from occurring.

127. The School was negligent in its retention of Father Curry in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

128. The School retained Father Curry in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

129. The Archdiocese was negligent in its retention of Father Curry in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

130. [ARCHDIOCESE] retained Father Curry in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

131. The School was further negligent in its retention, supervision, and/or direction of Father Curry in that Father Curry sexually molested Plaintiff on the premises of the School.

132. The School failed to take reasonable steps to prevent such events from occurring on its premises.

133. The Archdiocese was further negligent in its retention, supervision, and/or direction of Father Curry in that Father Curry sexually molested Plaintiff on the premises of the Archdiocese.

134. The Archdiocese failed to take reasonable steps to prevent such events from occurring on its premises.

135. Father Curry would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the School as a mentor and counselor to the infant parishioners and/or students of the School, including Plaintiff.

136. Father Curry would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Archdiocese as a mentor and counselor to the infant parishioners and/or students of the Archdiocese, including Plaintiff.

137. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs

**THIRD CAUSE OF ACTION: BREACH OF FIDUCIARY DUTY**

138. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

139. Through the position to which Father Curry was assigned by the School, Father Curry was placed in direct contact with Plaintiff.

140. Father Curry was assigned as a priest at the School, including as a teacher, principal, and/or guidance counselor assigned to teach Plaintiff.

141. It was under these circumstances that Plaintiff was entrusted to the care of the School and - under its authority - came to be under the direction, control and dominance of, Father Curry.

142. As a result, Father Curry used his position to sexually abuse and harass Plaintiff.

143. Through the position to which Father Curry was assigned by the Archdiocese, Father Curry was put in direct contact with Plaintiff, then a minor.

144. As a result, Father Curry used his position to sexually abuse and harass Plaintiff.

145. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the School.

146. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the Archdiocese

147. Pursuant to its fiduciary relationship, the School was entrusted with the well-being, care, and safety of Plaintiff.

148. Pursuant to its fiduciary relationship, the Archdiocese was entrusted with the well-being, care, and safety of Plaintiff.



149. Pursuant to its fiduciary relationship, the School assumed a duty to act in the best interests of Plaintiff.

150. Pursuant to its fiduciary relationship, the Archdiocese assumed a duty to act in the best interests of Plaintiff.

151. The School breached its fiduciary duties to Plaintiff.

152. The Archdiocese breached its fiduciary duties to Plaintiff.

153. At all times material hereto, the School's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.

154. At all times material hereto, the Archdiocese's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.

155. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

156. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FOURTH CAUSE OF ACTION: BREACH OF NON-DELEGABLE DUTY**

157. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

158. Plaintiff, when he was a minor, was placed in the care of the School for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

159. As a result, there existed a non-delegable duty of trust between Plaintiff and the School.

160. When Plaintiff was a minor, Plaintiff was placed in the care of the Archdiocese for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

161. As a result, there existed a non-delegable duty of trust between Plaintiff and the Archdiocese.

162. Plaintiff was a vulnerable child when placed within the care of the School.

163. Plaintiff was a vulnerable child when placed within the care of the Archdiocese.

164. Consequently, the School was in the best position to prevent Plaintiff's abuse, and to learn of Father Curry's repeated sexual abuse of Plaintiff and stop it.

165. Consequently, the Archdiocese was in the best position to prevent Plaintiff's abuse, and to learn of Father Curry's repeated sexual abuse of Plaintiff and stop it.

166. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of the School, the School breached its non-delegable duty to Plaintiff.

167. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of the Archdiocese, the Archdiocese breached its non-delegable duty to Plaintiff.

168. At all times material hereto, Father Curry was under the direct supervision, employ and/or control of the School.

169. At all times material hereto, Father Curry was under the direct supervision, employ and/or control of the Archdiocese.

170. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

171. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FIFTH CAUSE OF ACTION: BREACH OF DUTY IN LOCO PARENTIS**

172. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

173. Plaintiff was a minor when his parents entrusted him to the control of the School for the purpose of, *inter alia*, providing Plaintiff with an education.

174. the School owed a duty to adequately supervise its students to prevent foreseeable injuries.

175. As a result, the School owed a duty to Plaintiff *in loco parentis*.

176. Plaintiff was a minor when his parents entrusted him to the control of the Archdiocese for the purposes of, *inter alia*, providing Plaintiff with an education.

177. The Archdiocese owed a duty to adequately supervise its students to prevent foreseeable injuries.

178. As a result, the Archdiocese owed a duty to Plaintiff *in loco parentis*.

179. The School breached its duty *in loco parentis*.

180. The Archdiocese breached its duty *in loco parentis*.

181. At all times material hereto, the School's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

182. At all times material hereto, the Archdiocese's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

183. As a direct result of the School's conduct, Plaintiff has suffered the injuries and damages described herein.

184. As a direct result of the Archdiocese's conduct, Plaintiff has suffered the injuries and damages described herein.

185. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SIXTH CAUSE OF ACTION: INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

186. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

187. At the time Father Curry molested Plaintiff, which Father Curry knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the School employed Father Curry as Plaintiff's mentor and counselor.

188. It was part of Father Curry's job as role model and mentor to gain Plaintiff's trust. Father Curry used his position, and the representations made by the School about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

189. At the time Father Curry molested Plaintiff, which Father Curry knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Archdiocese employed Father Curry as Plaintiff's mentor and counselor.

190. It was part of Father Curry's job as role model and mentor to gain Plaintiff's trust. Father Curry used his position, and the representations made by the Archdiocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

191. The School knew and/or disregarded the substantial probability that Father Curry's conduct would cause severe emotional distress to Plaintiff.

192. The Archdiocese knew and/or disregarded the substantial probability that Father Curry's conduct would cause severe emotional distress to Plaintiff.

193. Plaintiff suffered severe emotional distress, including psychological and emotional injury as described above.

194. This distress was caused by Father Curry's sexual abuse of Plaintiff.

195. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

196. The School is liable for Father Curry's conduct under the doctrine of *respondeat superior*.

197. The Archdiocese is liable for Father Curry's conduct under the doctrine of *respondeat superior*.

198. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SEVENTH CAUSE OF ACTION: NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**

199. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

200. As set forth at length herein, the actions of the School, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

201. As set forth at length herein, the actions of the Archdiocese, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

202. The School's actions endangered Plaintiff's safety and caused him to fear for his own safety.

203. The Archdiocese's actions endangered Plaintiff's safety and caused him to fear for his own safety.

204. As a direct and proximate result of the School's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

205. As a direct and proximate result of the Archdiocese's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

206. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the School is also liable for Father Curry's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

207. At the time Father Curry breached his duty to Plaintiff, Father Curry was employed as Plaintiff's teacher, mentor, and counselor by the School.

208. It was part of Father Curry's job as teacher, advisor, role model and mentor to gain Plaintiff's trust. Father Curry used his position, and the representations made by the School about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

209. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the Archdiocese is also liable for Father Curry's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

210. At the time Father Curry breached his duty to Plaintiff, Father Curry was employed as Plaintiff's teacher, mentor, and counselor by the Archdiocese.

211. It was part of Father Curry's job as advisor, role model and mentor to gain Plaintiff's trust. Father Curry used his position, and the representations made by the Archdiocese about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

212. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**EIGHTH CAUSE OF ACTION: BREACH OF STATUTORY DUTY TO REPORT  
ABUSE UNDER SOC. SERV. LAW §§ 413, 420**

213. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

214. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the School, including but not limited to its teachers, administrators, and other school personnel, had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

215. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Archdiocese had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

216. The School, including but not limited to its teachers, administrators, and other school personnel, breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Father Curry of children in its care.

217. The Archdiocese breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Father Curry of children in its care.

218. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages described herein.

219. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**WHEREFORE**, it is respectfully requested that the Court grant judgment in this action in favor of the Plaintiff, and against the Defendants, in a sum of money in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with all applicable interest, costs, disbursements, as well as punitive damages and such other, further and different relief as the Court in its discretion shall deem to be just, proper and equitable.

Plaintiff further places Defendants on notice and reserves the right that to interpose claims sounding in Fraudulent Concealment, Deceptive Practices and/or Civil Conspiracy should the facts and discovery materials support such claims.



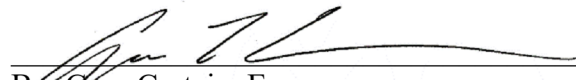
Dated: New York, New York  
August 14, 2019

Yours, etc.,



By: Adam P. Slater, Esq.  
SLATER SLATER SCHULMAN LLP  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 922-0906

-and-



By: Gary Certain, Esq.  
CERTAIN & ZILBERG, PLLC  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 687-7800

**ATTORNEY VERIFICATION**

Adam P. Slater, an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms the following statements to be true under the penalties of perjury, pursuant to Rule 2106 of the CPLR:


Your affirmant is a partner of Slater Slater Schulman LLP, attorneys for the Plaintiff in the within action;

That he has read the foregoing Complaint and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Affirmant further states that the source of his information and the grounds for his belief are derived from interviews with the Plaintiff and from the file maintained in the normal course of business.

Affirmant further states that the reason this verification is not made by the Plaintiff is that the Plaintiff is not presently within the County of New York, which is the county wherein the attorneys for the Plaintiff herein maintain their offices.

Dated: Melville, New York  
August 13, 2019

  
Adam P. Slater, Esq.

SUPREME COURT OF THE STATE NEW YORK  
COUNTY OF KINGS

-----X

DAVID GREENE,

Index No.:

Plaintiff,

- against -

THE ROMAN CATHOLIC ARCHDIOCESE OF  
NEW YORK and ALL SAINTS SCHOOL,

Defendants.

-----X

## SUMMONS & VERIFIED COMPLAINT

Slater Slater Schulman LLP  
*Attorneys For Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022


\_\_\_\_\_  
(212)922-0906

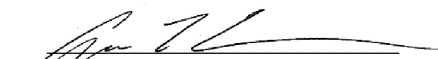
Certain & Zilberg, PLLC  
*Attorneys For Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022

\_\_\_\_\_  
(212)687-7800

### CERTIFICATION

Pursuant to 22 NYCRR §130-1.1-a, the undersigned, an attorney duly admitted to practice in the courts of the State of New York, certifies that, upon information and belief, and reasonable inquiry, the contentions contained in the annexed document are not frivolous as defined in subsection (c) of the aforesaid section.

  
Adam P. Slater, Esq.

  
Gary Certain, Esq.